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TECHNOLOGY CENTER 3600

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In re Application of: Steven C. Robertson	:	PETITION TO INVOKE
Application No.: 10/634,627	:	SUPERVISORY AUTHORITY
Filed: August 5, 2003	:	UNDER
Attorney Docket No.: ROBERT.P00D1	:	37 C.F.R. 1.181
For: SYSTEM AND METHOD FOR	:	
PROVIDING ELECTRONIC	:	
MULTI-MERCHANT GIFT REGISTRY	:	
SERVICES OVER A DISTRIBUTED	:	
NETWORK	:	

This is in response to applicant's petition filed on August 16, 2007 to set aside every part of the rejections made final in the Office action mailed January 31, 2007 that are based upon improper use of official notice.

The petition is **DISMISSED**.

The petition is dismissed as being directed to an appealable matter rather than a petitionable matter. The refusal to grant claims because the subject matter as claimed is considered unpatentable is called a "rejection". In the instant case, the Examiner has refused to grant claims based upon a rejection of claims 29-37 and 39-47 under 35 USC 103 and in view of Official notice. Rejections involving the merits of the claim are subject to review by the Board of Patent Appeals and Interferences and will therefore not be reviewed by the Director. MPEP 706.01.

Subsequent to the filing of this petition, Applicant has filed an Appeal Brief on August 23, 2007. A Notification of Non-Compliant Appeal Brief has been mailed September 12, 2007. A "Revised Brief of Appellant" has been filed October 15, 2007. A communication in response to the Revised Brief will follow in due course.

Any questions concerning this decision should be directed to Jeffrey A. Smith at (571) 272-6763.


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